

**WILLMAR PLANNING COMMISSION  
CITY OF WILLMAR, MN  
WEDNESDAY, MAY 28, 2014**

**MINUTES**

1. The Willmar Planning Commission met on Wednesday, May 28, 2014, at 7:00 p.m. at the Willmar City Offices Conference Room #2.

\*\* Members Present: Mark Klema, Gary Geiger, Andrew Engan, Randy Czarnetzki, Sandy Bebler, and Aaron Larson.

\*\*Members Absent: Margaret Fleck, Bob Poe, and Scott Thaden.

\*\* Others Present: Douglas Fenstra, and Megan DeSchepper- Planner.

2. MINUTES: The minutes of the May 14, 2014 meeting were approved as submitted.

3. HAR-MAR FOODS PLANNED UNIT DEVELOPMENT CONDITIONAL USE PERMIT- FILE NO. 14-5: The public hearing opened at 7:02 p.m. Doug Fenstra presented, on behalf of Har-Mar Foods, the conditional use permit request for a commercial planned unit development common interest community on property legally described as follows: the north 158' of the south 502' of E ½ of SE ¼ of NE ¼ excluding the west 240' thereof, Section 22, Township 119, Range 35 (1704 1<sup>st</sup> St. S.). The parcel has two buildings on it and is being proposed to be subdivided into two parcels and one outlot. The outlot will ensure common interest for access, parking, private drive, and green space through the planned unit development. The common interest community will govern Outlot A with association bylaws and declarations to cover the common interests.

No one appeared to speak for or against the request and the public hearing closed at 7:08 p.m.

Staff comments were reviewed and discussed (see Attachment A).

Mr. Engan made a motion, seconded by Ms. Bebler, to approve the planned unit development conditional use permit with the following conditions:

- A. The common interest bylaws and declarations shall be recorded congruent with the final plat so they will track together in the future.
- B. The use shall meet all applicable local, state, and federal rules and regulations at all times.

The Planning Commission made the affirmative findings of fact as per Section 9.E.3.a.1-7.

The motion carried, with Mr. Czarnetzki abstaining.

4. HAR-MAR FOODS ADDITION PRELIMINARY PLAT-FILE NOT. 14-2: The public hearing opened at 7:11 p.m. Mr. Fenstra presented the request on behalf of the applicant Har-Mar Foods for a two lot subdivision with one outlot on property legally described as follows: the north 158'

of the south 502' of E ½ of SE ¼ of NE ¼ excluding the west 240' thereof, Section 22, Township 119, Range 35 (1704 1<sup>st</sup> St. S.). There are currently two buildings on the parcel; the subdivision will split the parcel into two with one building on each parcel. The property owner wishes to subdivide the property to make the western building on proposed Lot 2 marketable for sale. The proposed outlot will ensure access, a private drive, parking, and green space in a common interest community. The Association bylaws and declaration will govern the common interests.

No one appeared to speak for or against the request and the public hearing was closed at 7:15 p.m.

The Planning Commission reviewed and discussed staff comments (see Attachment A).

The Commission talked about Outlot A and the shared interest in tax values, assessments etc. Staff commented that those shared interests are all spelled out in the bylaws and declarations which were reviewed and approved by the City Assessor. Staff added that the water main is private once it leaves the public right-of-way and the declarations cover the utilities as well.

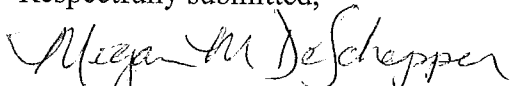
Ms. Bebler made a motion, seconded by Mr. Larson, to approve the preliminary plat with the following conditions:

- A. The proposed declaration correction shall be made as per the City Assessor's comments in Attachment A.
- B. The water main shall remain private, and it's maintenance/access etc.
- C. The declarations and bylaws shall be recorded congruent with the final plat to ensure tracking in the future.

The motion carried with Mr. Czarnetzki abstaining.

- 5. MISCELLANY: Staff asked the Commission's opinion regarding the regulation of bee keeping within the City limits as there was a complaint regarding a hive in the back yard of a residence and concern about safety. The Planning Commission discussed animal ordinance regulations as well as looking at bee keeping through land use regulations. They asked staff to research what other communities do regarding bee hives for discussion at an upcoming meeting.
- 6. There being no further information to come before the Commission the meeting closed at 7:25 p.m.

Respectfully submitted,

  
Megan M. DeSchepper, AICP  
Planner/Airport Manager

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STAFF COMMENTS

1. HAR-MAR FOODS PLANNED UNIT DEVELOPMENT CONDITIONAL USE PERMIT- FILE NO. 14-5:

- The applicant is Har-Mar Foods, Marshall, MN.
- The applicant is requesting a conditional use permit for a commercial planned unit development common interest community on property legally described as follows: the north 158' of the south 502' of E ½ of SE ¼ of NE ¼ excluding the west 240' thereof, Section 22, Township 119, Range 35 (1704 1<sup>st</sup> St. S.).
- The existing parcel is being subdivided into two parcels and one outlet. Outlet "A" will be shared common area for access, drive, parking, and green space. The Applicant has submitted draft bylaws for the owners association as well draft declarations for the common interest community no. 53. These documents shall be recorded concurrently with the final plat so they will track together in the future.
- Outlet A and its declarations and bylaws will ensure that Lot 2 has access, which is the only way the parcel could be subdivided.
- Cross parking agreements are in the Outlet A documents.
- Existing building setbacks are met with the new proposed lot lines.

RECOMMENDATION: Approve the planned unit development conditional use permit with the following conditions:

- A. The common interest bylaws and declarations shall be recorded congruent with the final plat so they will track together in the future.
- B. The use shall meet all applicable local, state, and federal rules and regulations at all times.

2. HAR-MAR FOODS ADDITION PRELIMINARY PLAT- FILE NO. 14-2:

- The applicant is Har-Mar Foods, Marshall, MN.
- The applicant is requesting subdividing the existing lot with two structures on it into two parcels and one outlet on property legally described as follows: the north 158' of the south 502' of E ½ of SE ¼ of NE ¼ excluding the west 240' thereof, Section 22, Township 119, Range 35 (1704 1<sup>st</sup> St. S.).
- The property is zoned GB (General Business).
- The property is accessed via 1<sup>st</sup> St. S.
- Outlet "A" is proposed to be common interest area for the two proposed lots for access, drives, parking, and green space.
- Setbacks will be met for the two new proposed lots with the existing structures.
- Lot square footage and width meet Ordinance requirements.
- The private water main that serves both lots is covered in the bylaws.

Fire Chief/Marshal Comments: No concerns.

**Assessor's Comments:** No existing assessments. Replat of parcel 95-922-6902. On the proposed declarations for the common interest community on Page 1 under B. remove residential unit as their will only be commercial uses on these properties.

**MUC Comments:** Electrical services are available and will continue to serve existing restaurant and office space. Water line for 1708 runs on 1704's property. The line will remain private and should be covered for maintenance etc. in the declarations and bylaws.

**Engineering Comments:** This is an existing site that has not been improved for years. No major changes indicated from existing conditions. Streets, water, sanitary sewer, and storm sewer are all adequate and already available.

**RECOMMENDATION:** Approve the preliminary plat with the following conditions:

- A. The proposed declaration correction shall be made as per the City Assessor's comments above.
- B. The water main shall remain private, and it's maintenance/access etc.
- C. The declarations and bylaws shall be recorded congruent with the final plat to ensure tracking in the future.